

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-22896-KMW

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of the UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management; and MIAMI-DADE COUNTY, a political subdivision of the State of Florida,

Defendants.

and

THE MICCOSUKEE TRIBE OF INDIANS,

Intervenor/Plaintiff.

**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
PLAINTIFFS' EXPEDITED MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Evidence 201, Plaintiffs Friends of the Everglades and the Center for Biological Diversity hereby respectfully request that the Court take judicial notice of the following in support of Plaintiffs' Expedited Motion for Preliminary Injunction (D.E. 5):

1. A filing in a pending court case involving the Dade-Collier Training and Transition Airport detention center (the “TNT site”) in which Defendants—including U.S. Department of Homeland Security (DHS) Secretary Kristi Noem and a representative of U.S. Immigration and Customs Enforcement (ICE)—state that “ICE is detaining [plaintiff].” *Matom v. Mordant*, et al., Case No. 25-cv-648 (M.D. Fla. Aug. 7, 2025), Mot. to Dismiss, ECF No. 9, at 7, (attached as Exhibit 1).

2. An August 14, 2025, press conference in which Governor Ron DeSantis, discussing the detention center at the TNT cite, states: “DHS in their agreement with us... they’re reimbursing these expenses.” WKMG News 6, *Gov. Ron DeSantis holds news conference in Baker County*, YOUTUBE (Aug. 14, 2025), <https://www.youtube.com/watch?app=desktop&v=KtZvhFfpU4g> (minutes 0:00-1:45).

ARGUMENT

The above pleading and media statement are judicially noticeable because they are “not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). The Court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). Under Rule 201(d), “[t]he court may take judicial notice at any stage of the proceeding.”

The Court “may take judicial notice of court documents and the position taken by one or more of the Defendants in those documents.” *Gamble v. PinnOak Resources, LLC*, 511 F.Supp.2d 1111, 1123 n. 5 (N.D. Ala., 2007) (citing *United States v. Jones*, 29 F.3d 1549, 1553 (11th Cir.1994)); *Atlantic Specialty Ins. Co. v. City of College Park, Ga.*, 319 F.Supp.3d 1287, 1292 (N.D. Ga., 2018) (the court “may take judicial notice of publicly filed documents, such as

documents filed in other cases") (citing *U.S. ex rel. Osheroff v. Humana Inc.*, 776 F.3d 805, 811 (11th Cir. 2015)).

The statements of Defendants also constitute party admissions and thus are not hearsay. *See* Fed. R. Evid. 801(d)(2). Lastly, the Court may take judicial notice of Defendants' position in the Motion to Dismiss as a public record. *See Navarro v. City of Riviera Beach*, 192 F.Supp.3d 1353, 1364 (S.D. Fla., 2016) ("courts may take judicial notice of public records, *such as pleadings filed in another court*, because such documents are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned") (emphasis added) (internal quotes omitted). *See* Fed. R. Evid. 803(8).

Defendants' position asserted in another court case, for which the case citation and docket entry has been supplied to this Court, can be accurately and readily determined by this Court and is not subject to reasonable dispute. As a result, the Court is obliged to take judicial notice of it. *See* Fed. R. Evid. 201(b), (c)(2).

The Court may also take judicial notice of public statements by elected officials. *See Black Voters Matter Fund v. Raffensperger*, 478 F.Supp.3d 1278, 1322 n. 28 (N.D. Ga., 2020) (taking judicial notice of Georgia Secretary of State's statements in the news media). *See also DeHoog v. Anheuser-Busch InBev SA/NV*, 899 F.3d 758, 763 n. 5 (9th Cir. 2018) (taking judicial notice of government press releases and undisputed matters of public record). Governor DeSantis's statements about an "agreement" and receipt of federal reimbursement for the TNT site also fall within the public record exception to hearsay. *See* Fed. R. Evid. 803(8).

Governor DeSantis's public statement, made in his official capacity and published by WKMG Channel 6 News to YouTube, can be accurately and readily determined by this Court

and is not subject to reasonable dispute. As a result, the Court is obliged to take judicial notice of it. *See* Fed. R. Evid. 201(b), (c)(2).

WHEREFORE, Plaintiffs respectfully request the Court take judicial notice of the two statements identified above.

Dated: August 18, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE AND CONFERENCE

I HEREBY CERTIFY that on August 18, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the Service List below via transmission of Notice of Electronic Filing generated by CM/ECF. I further certify that I conferred with counsel for Defendants in a good faith effort to resolve the issues, but have been unable to resolve the issues.

s/ Paul J. Schwiep

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